IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.19199 of 1998

Between:

M/s. R.R. MEDICAL & GENERAL STORES 25/175 B Sanjeeva Nagar Gate, Nandyal, rep. by its Partner , A. V. Nataraj, s/o. A.V. Rajaiah aged about 35 years, R/o. Nandyal Kurnool.

..... PETITIONER

AND

1 The Superintendent, Government General Hospital,
Nandyal, Kurnool District..
2 The Dist. Coordinator of Hospital Services
Dist. Hqrs. Hospital, Anantapur.
3 The Asst. Executive Engineer A.P. Vaidya Vidhana Parishad
Dist. Hqrs Hospital, Anantapur.
4 The Drugs Inspector,
Nandyal, Kurnool Dist.
5 Government of A.P. represented by its Secretary,
Health, Medical & Family Welfare Department, Secretariat, Hyd.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the action of the respondents in issuing Proc.No. 284/B/DCHS/98 dated 17.4.1998 and Proc.Rc.No. 284/B/DCHS/98, dated 11.4.1998 issued by District Coordinator of Hospital Services, Dist. Hqrs. Hospital, Anantapur as illegal, arbitrary, discriminatory and unconstitutional and unreasonable besides being violative of Articles 14,19,(1)(g) and 21 of the Constitution and utter violation of principles of natural justice and consequently hold that the petitioner is entitled to be granted licence in accordance with the earlier Proc.Rc.No.284/B/DCHS/98, dt. 28.2.98.

Counsel for the Petitioner: MR.M.GOVIND REDDY

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following :

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 19199 of 1998

Oral order:

Impugning the proceedings dated 17-4-1998 issued by the District Coordinator of Hospital Services, Anantapur, canceling the permission accorded to the petitioner vide proceedings dated 28-2-1998 to run Medical Shop temporarily at Area Hospital, Nandyal, he filed the present writ petition contending that the same has been issued without notice to him.

On behalf of respondent Nos. 1 to 3, respondent No.1 filed counter affidavit *inter alia* stating as follows:

> It is submitted that the Commissioner, Andhra Pradesh Vaidya Vidhana Parishad by its proceedings Rc. No. 2281/E1/96 informed to the 2nd respondent that the Governing Council deferred a proposal of giving permission to private parties/individuals for opening medical shops and telephone booths in the premises of Andhra Pradesh Vaidya Vidhana Parishad Hospital and directed the 2nd respondent to take appropriate action for cancellation of the licence already issued to the petitioner's shop. Basing on that, on 11-3-1998, the 2nd respondent issued a telegram to keep the orders in abeyance and directed to intimate the same to the petitioners.

The permission granted to the petitioner to run the Medical Shop in the Area Hospital is temporary, and is liable to cancelled any time without prior notice or assigning any reasons therefor. Such permission was granted to the petitioner until the construction of the building of the Area Hospital is over. Since it is reported that the construction of the building of the Area Hospital is over, and that the Governing Council of the Andhra Pradesh Vaidya Vidhana Parishad, has also taken a decision not to grant permissions for opening of Medical Shops by private parties/individuals in the building of Area Hospital, no interference is called for with the impugned order.

Though the respondents contend that the petitioner is not having any drug licence, and as such, is not entitled to be granted permission,

since the licence granted to the petitioner itself was temporary, and was valid until the construction of the building of the Area Hospital is over,
I am not inclined to go into that question.

In the above view of the matter, there is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 3rd March, 2005.

KSR

To

1 The Superintendent, Government General Hospital,
Nandyal, Kurnool District..
2 The Dist. Coordinator of Hospital Services
Dist. Hqrs. Hospital, Anantapur.
3 The Asst. Executive Engineer A.P. Vaidya Vidhana Parishad
Dist. Hqrs Hospital, Anantapur.
4 The Drugs Inspector,
Nandyal, Kurnool Dist.
5 The Secretary, Health, Medical & Family Welfare Department,

Government of A.P. Secretariat, Hyd.

6 Two CCs to GP for Medical, Health and Family Welfare, High Court

Buildings, Hyderabad (OUT)

7 Two CD copies

8 1 CC to MR.SWAMY

9 1 CC to MR.GOVIND REDDY

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